

AN ORDINANCE

98869

AUTHORIZING PAYMENT IN THE AMOUNT OF \$23,200.00 FROM CERTIFICATES OF OBLIGATION TO ATC ASSOCIATES, INC., FOR ENVIRONMENTAL SERVICES UNDER AN EXISTING PROFESSIONAL SERVICES CONTRACT FOR THE TOWER OF THE AMERICAS, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING \$5,800.00 FOR ENVIRONMENTAL CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$29,000.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \* \*

**WHEREAS**, a Request for Proposals for the redevelopment and operation of the Tower of the Americas was issued on October 28, 2003; and

**WHEREAS**, as part of this process the City agreed to conduct an asbestos survey of the facility so that the proposers could incorporate this information into their design plans, if their proposal is accepted; and

**WHEREAS**, the firm of ATC Associates, Inc. has an existing environmental services consultant agreement with the Environmental Services Department approved through Ordinance 95384 on February 28, 2002.; and

**WHEREAS**, ATC Associates, Inc. will conduct a comprehensive asbestos survey of the Tower of the Americas including the observation level, restaurant, lounge, kitchen, storage area, offices, and mechanical rooms. Services will include inspections, sampling and a final report; and

**WHEREAS**, funds are available from 1985 Certificates of Obligation Funds for HemisFair Renovations and Improvements (\$9,151.88) and from 1994 Certificates of Obligation Funds for Tower of the Americas Renovations (\$175,411.35). The total amount of \$29,000.00 will be allocated through this action; and

**WHEREAS**, total fees previously approved for this firm under its contract are \$124,903.80, with a contract cap of \$180,000.00. This project falls within the available balance of funds associated for this firm; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**Section 1.** The amount of \$9,151.88 is appropriated in fund 43-008001, 1985 HemisFair Improvements Certificates of Obligation, in index code 933481, entitled Transfer to 40-002082 Tower. The amount of \$9,151.88 is authorized to be transferred from fund 43-008001 to fund 40-002082.

**Section 2.** The amount of \$19,848.12 is appropriated in fund 43-404004, 1994 Tower of Americas Renovation, in index code 933572, entitled Transfer to 40-002082 Tower. The amount of \$19,848.12 is authorized to be transferred from fund 43-404004 to fund 40-002082.


**Section 3.** The budget in fund 40-002082, Street Improvements, shall be revised by reducing index code 129437, entitled Funds to be Identified, by the amount of \$23,200.00, and increasing index code 138081, entitled Trf Fr 43-008001 Tower, by the amount of 9,151.88, and increasing index code 138214, entitled Trf Fr 43-404004, by the amount of \$19,848.12.

**Section 4.** The amount of \$5,800.00 is appropriated in fund 40-002082, Street Improvements, in index code 466854, entitled Environmental Contingency Expenses-Tower, and is authorized to be encumbered and made payable for environmental contingency expenses in connection with the asbestos survey consultant services for the Tower of the Americas.

**Section 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**Section 6.** This ordinance shall be effective on February 29, 2004.

PASSED AND APPROVED this 19<sup>th</sup> day of February 2004.



M A Y O R

EDWARD D. GARZA

ATTEST: Jolanda L. Ledem  
City Clerk

APPROVED AS TO FORM: Gregory H. [Signature]  
City Attorney